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8 Attorneys for Defendant

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 JOHN CLARK WILLIAMS, )  
12 Plaintiff, ) Case No. 3:22-CV-00523-CSD  
13 vs. ) **ORDER GRANTING**  
14 Kilolo Kijakazi, ) **STIPULATION TO VOLUNTARY REMAND**  
15 Acting Commissioner of Social Security, ) **PURSUANT TO SENTENCE FOUR OF 42**  
16 Defendant. ) **U.S.C. § 405(g)**

17 **STIPULATION TO VOLUNTARY REMAND PURSUANT TO**  
18 **SENTENCE FOUR OF 42 U.S.C. § 405(g)**

19 COMES NOW Defendant, KILOLO KIJAKAZI, Acting Commissioner of Social Security  
20 (Commissioner), and respectfully moves this Court to reverse and remand the above-captioned case to  
21 the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for the following reasons:  
22

23 **I.**

24 Plaintiff filed this action seeking judicial review of the Commissioner's final decision denying  
25 his application for disability insurance benefits under the Social Security Act (Act). The  
26 Commissioner requests that this Court remand this case to allow the Commissioner to conduct further

proceedings pursuant to sentence four of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

II.

Authority for this request is found in 42 U.S.C. § 405(g), which permits remand of a case to the Commissioner for further administrative action. In *Melkonyan*, 501 U.S. at 97-103, the Supreme Court clearly stated that 42 U.S.C. § 405(g) permits only two types of remand orders. The fourth sentence of Section 405(g) authorizes a district court to enter “a judgment affirming, modifying, or reversing the decision of the [Commissioner], with or without remanding the case for rehearing.” *Id.* at 97-101 (*citing* 42 U.S.C. § 405(g)). The fourth sentence of Section 405(g) further states that the remand order may be entered upon the pleadings and transcript of the record. 42 U.S.C. § 405(g). A sentence six remand is granted before the Commissioner files an answer or is granted in light of additional evidence upon a showing that there is good cause for failing to incorporate the additional evidence into a prior proceeding. *Melkonyan*, 501 U.S. at 100-01.

The Supreme Court has held that a remand for further administrative proceedings, such as the remand requested in this matter, is a sentence four remand within the meaning of 42 U.S.C. § 405(g). *See Shalala v. Schaefer*, 509 U.S. 292 (1993); *see also Sullivan v. Finkelstein*, 496 U.S. 617, 625-26 (1990) (sentence four provides the appropriate relief when the evidence on the record is insufficient to support the Commissioner's conclusions and further fact-finding is necessary).

III.

The Commissioner respectfully submits that an order to reverse and remand for further administrative proceedings requires the entry of a judgment that ends the instant action. The fourth sentence of 42 U.S.C. § 405(g) requires entry of a judgment that ends this action. *See Shalala v.*

1       *Schaefer*, 509 U.S. at 297-98. The undersigned contacted Plaintiff's counsel, who stated that Plaintiff  
2 does not oppose this motion.

3                  WHEREFORE, Defendant prays that the Court reverse and remand the ALJ's decision for  
4 further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

5  
6 Dated: September 15, 2023                  Respectfully submitted,

7                  */s/ Hal Taylor*  
8                  HAL TAYLOR  
9                  (\*as authorized via email on September 15, 2023)  
Attorney for Plaintiff

10          Dated: September 15, 2023                  Respectfully submitted,

11                  JASON M. FRIERSON  
12                  United States Attorney

13                  */s/ Gabriel Bono*  
14                  GABRIEL BONO  
Special Assistant United States Attorney  
Attorneys for Defendant

15                  IT IS SO ORDERED:

16                    
17                  UNITED STATES MAGISTRATE JUDGE

18                  DATED: September 15, 2023

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